



**CITY OF MORGAN HILL
COUNCIL CHAMBERS**

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Hedy L. Chang, Mayor Pro Tempore
Cynthia J. Cook, Council Member
Steve Tate, Council Member
Greg Sellers, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chairperson
Cynthia J. Cook, Vice-Chairperson
Hedy L. Chang, Agency Member
Steve Tate, Agency Member
Greg Sellers, Agency Member

WEDNESDAY, NOVEMBER 3, 1999

JOINT AGENDA

**CITY COUNCIL MEETING
&
SPECIAL REDEVELOPMENT AGENCY MEETING**

A Special Meeting is called at 7:00 P.M. by the Redevelopment Agency for the purpose of conducting Redevelopment Agency business.

Dennis Kennedy, Mayor/Chairperson

7:00 P.M.

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

OPPORTUNITY FOR PUBLIC COMMENT

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC SERVICE ANNOUNCEMENT

Eric Hilding

PRESENTATION

Accept Donation of Specimen Trees for Nordstrom Park

PROCLAMATION

America Recycles Day

CERTIFICATES OF ACHIEVEMENT

From California Integrated Waste Management

CITY COUNCIL REPORT

Council Member Sellers

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.
(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE
ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT
IT TO THE CITY CLERK.**
(See notice attached to the end of this agenda.)

City Council Action

CONSENT CALENDAR:

The Consent Calendar, Agenda Items #1 through #13 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time

Estimate

Consent Calendar: 1 - 10 minutes

Page

- | | |
|----|---|
| 1. | <u>ACCEPT DONATIONS FOR PLANTING OF THREE SPECIMEN TREES IN
NORDSTROM PARK</u> 1 |
| | <u>Recommended Action:</u> <u>Accept</u> Donations Totaling \$1,500 for Planting of Three
Specimen Trees in Nordstrom Park. |

	Time Estimate	Page
	Consent Calendar: 1 - 10 minutes	
2.	<u>RESOLUTION DECLARING WEEDS TO BE A NUISANCE</u> 3 Recommended Action: <u>Adopt</u> Resolution No. 5322 Declaring Weeds to be a Nuisance and Setting December 1, 1999 as the Date for the Public Hearing Regarding Weed Abatement.	
3.	<u>REVIEW OF TENTATIVE MAP APPROVAL FOR SUBDIVISION, SD-99-06: CENTRAL - CENTRAL PARK PHASE IV</u> 7 Recommended Action: <u>Take No Action</u> , thereby Concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map.	
4.	<u>APPOINTMENT TO THE BICYCLE ADVISORY COMMITTEE</u> 25 Recommended Action: <u>Approve</u> the Recommendation by the Parks and Recreation Commission and the Bicycle Advisory Committee to Appoint Bob Eltgroth on the Bicycle Advisory Commission.	
5.	<u>RESOLUTION IN SUPPORT OF FAIR COMPETITION AND TAXPAYER SAVINGS ACT</u> 29 Recommended Action: <u>Adopt</u> Resolution No. 5323 thereby Supporting the Fair Competition and Taxpayers Savings Act to be on the March 2000 California Primary Ballot.	
6.	<u>APPROVAL OF AGREEMENT TO PROVIDE FOR SUPPLY OF RECYCLED WATER WITH THE SANTA CLARA VALLEY WATER DISTRICT (SCVWD)</u> 41 Recommended Action: <u>Approve</u> the Agreement with SCVWD Providing for a Future Recycled Water Supply within the City.	
7.	<u>APPROVE PROFESSIONAL SERVICES CONTRACT FOR DESIGN OF BUTTERFIELD BOULEVARD EXTENSION FROM MAIN TO SOUTHERN BOUNDARY OF MORGAN HILL BUSINESS RANCH</u> 81 Recommended Action: <u>Authorize</u> the City Manager to Execute the Agreement with MH Engineering for the Design of Butterfield Boulevard from Main to the Southern Boundary of the Morgan Hill Business Ranch in the Amount of \$28,500.	
8.	<u>PUBLIC WORKS REPLACEMENT BACKHOE/LOADER AND TRAILER PURCHASE</u> 91 Recommended Action: 1) <u>Approve</u> Purchase from Empire Equipment for a John Deere 310SE Backhoe/Loader in the Water Division to Replace W87320-1987 John Deere Backhoe/Loader at a Total Price of \$56,758.84, Including Trade-in; and 2) <u>Approve</u> Purchase from Empire Equipment for a Trail King TK20 Trailer to Replace W98326-1998 Jacobsen Backhoe/Loader Trailer at a Total Price of \$7,774.01, Including Trade-in.	

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		Consent Calendar: 1 - 10 minutes	
9.		<u>AWARD BID AND AUTHORIZE THE PURCHASE OF PORTABLE POLICE RADIO EQUIPMENT AND ACCESSORIES</u>	93
		Recommended Action:	
		1) <u>Award</u> the Bid in the Amount of \$29,978 to Purchase Portable Radio Equipment and Accessories; and	
		2) <u>Authorize</u> the City Manager to Complete the Purchase.	
10.		<u>BI-ANNUAL VACANCY RATE SURVEY</u>	97
		Recommended Action: <u>Establish</u> the Bi-annual Vacancy Rate for October 1999 at 5.41% as Recommended by the Planning Commission.	
11.		<u>REVIEW OF TENTATIVE MAP FRO A 60-UNIT SUBDIVISION, APPLICATION SD 99-05: HALE AVE-GLENROCK/SHEA</u>	107
		Recommended Action:	
		1) <u>Take No Action</u> , Thereby Concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map; and	
		2) <u>Direct</u> Staff to Initiate Amendment to the Municipal Code to Clarify the Manner and Process for Handling Uses which Are Not Expressly Permitted or Prohibited in the Zoning Ordinance.	
12.		<u>REQUEST FOR SUPPORT OF SENATE BILL 984 TO CREATE A NEW CALIFORNIA HOLIDAY IN HONOR OF CESAR CHAVEZ</u>	141
		Recommended Action:	
		1) <u>Approve</u> Resolution No. 5326 Supporting Senate Bill 984, <i>OR</i>	
		2) <u>Take No Action</u> .	
13.		<u>APPROVAL OF SPECIAL MEETING MINUTES OF OCTOBER 14, 1999</u>	147
<u>PUBLIC HEARINGS:</u>			
	Time Estimate		Page
14.	10 minutes	<u>ZONING AMENDMENT APPLICATION ZAA-95-11: SANDALWOOD- NELSON</u>	153
		Recommended Action: Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion.	
		Action- <u>Motion to waive</u> the reading in full of Ordinance No. 1462, New Series, Residential Planned Development (RPD) ordinance; <u>Motion to introduce</u> Ordinance No. 1462 New Series; by title only.	

	Time Estimate		Page
15.	15 minutes	<u>ZONING AMENDMENT APPLICATION ZA-99-03 AND DEVELOPMENT AGREEMENT APPLICATION DA-99-03: CENTRAL-CENTRAL PARK PHASE IV</u> Recommended Action: Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action - <u>Motion to Approve</u> Mitigated Negative Declaration; Action- <u>Motion to Waive</u> the Reading in Full of Ordinance No. 1463, New Series, the Residential Planned Development (RPD) Ordinance; <u>Motion to Introduce</u> Ordinance No. 1463 New Series; by Title Only. Action- <u>Motion to Waive</u> the Reading in Full of Ordinance No. 1464, New Series, the Development Agreement (DA) Ordinance; <u>Motion to Introduce</u> Ordinance No. 1464 New Series; by Title Only.	169

OTHER BUSINESS:

	Time Estimate		Page
16.	15 minutes	<u>AWARD OF CONTRACTS FOR THE CONSTRUCTION OF THE EAST DUNNE/101 INTERCHANGE IMPROVEMENT PROJECT</u> Recommended Action: 1) <u>Find</u> , Based Upon Written and Verbal Staff Reports and Documentation Attached to This Council Report, that FCI Constructors Made a “Good Faith Effort” for Disadvantage Business Enterprise (DBE) Participation; 2) <u>Award</u> Contract to FCI Constructors for the Construction of the Dunne Avenue/Highway 101 Interchange Improvements in the Amount of \$3,138,149; 3) <u>Approve</u> Contract to Vali Cooper and Associates, Inc., for Construction Management Services for the Above Project in the Amount of \$411,905.50, and 4) <u>Approve</u> Contract to Mark Thomas and Co. Inc., for Construction Survey Staking for the Above Project in the Amount of \$78,552.	205
17.	10minutes	<u>SUPPLEMENTAL LAW ENFORCEMENT FUNDING (SLEF)</u> Recommended Action: 1) <u>Approve</u> the SLEF Spending Plan; 2) <u>Increase</u> Revenue Estimates in Fund 205 by \$10,837 and <u>Authorize</u> the Transfer of This Additional Revenue to the General Fund to Implement Spending Plan; and 3) <u>Appropriate</u> \$10,436 in the General fund for the Purpose of Implementing the Spending Plan.	281

	Time Estimate		Page
18.	20 minutes	<u>DISCUSSION REGARDING THE USE OF PERSONALIZED LETTERHEAD BY THE MAYOR AND COUNCIL MEMBERS</u>	287
		<u>Recommended Action:</u>	
		1) <u>Direct</u> Staff to Order City Letterhead Listing the Mayor and All Council Members as a Group, Listing the Mayor and Council Members on Individual Letterhead (Personalized Letterhead);	
		2) <u>Direct</u> Staff to Order Both Types of Letterhead; <i>OR</i>	
		3) <u>Continue</u> the Use of the Standard Stock City Letterhead [No Specific Name(s) Listed].	
19.	30 minutes	<u>SOLID WASTE DIVERSION PROGRESS REPORT</u>	291
		<u>Recommended Action:</u>	
		1) <u>Direct</u> Staff to Make Mixed Paper Toters Available to Residents Who Request Them;	
		2) <u>Direct</u> Staff to Prepare an Ordinance and Amendment to the Franchise Agreement That Prohibits Yard Trimmings Collection with Garbage; and	
		3) <u>Direct</u> Staff to Put the California Integrated Waste Management Board on Notice That Volume Based Rated Will be Implemented on a Contingency Basis Only.	
20.	30 minutes	<u>RECEIVE AN UPDATE ON DELIVERY OF LEGAL SERVICES AND PROVIDE STAFF WITH DIRECTION</u>	319
21.	10 minutes	<u>WAIVER OF POTENTIAL CONFLICT OF INTEREST</u>	321
		<u>Recommended Action:</u> <u>Waive</u> Potential Conflict of Interest between Meyers, Nave, Riback, Silver & Wilson and the City of Morgan Hill (By Minute Action).	
 <u>SECOND READING OF ORDINANCE:</u> Full Reading Waived By Majority Vote. (Government Code Section 36934)			
Action -- <u>Adopt</u> Ordinance by roll call vote.			
22.	10 minutes	<u>ADOPTION OF ORDINANCE NOS. 1456 AND 1457, NEW SERIES</u> (Continued from 10/27/99)	323
		<u>ORDINANCE NO. 1456, N.S.</u> – An Ordinance of the City Council of the City of Morgan Hill Approving a Zoning Amendment and the Approval of a Precise Development Plan for Phase I & II of the Madrone Crossing Development. The Residential Development Plan on a 55.65-acre Portion of a Site Located on the West Side of Monterey Road, South Side of Tilton Avenue, on the East Side of Hale Avenue (APNs 764-09-005, 007, 009, 010 & 014) (Application ZA-99-05: Hale-Glenrock Builders), and	
		<u>ORDINANCE NO. 1457, N.S.</u> – An Ordinance of the City Council of the City of Morgan Hill Approving a Development Agreement with Glenrock Builders and Shea Homes for a 60-unit Portion of the Madrone Crossing Project, Which Has Been Awarded Allocations Through the Residential Development Control System for Fiscal Year 2000-01, and Fiscal Year 2001-02. (Application DA-99-02: Hale-Glenrock Builders)	

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

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		Consent Calendar: 1 - 10 minutes	
23.		<u>APPROVAL OF JOINT MINUTES OF REGULAR & SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF OCTOBER 20, 1999</u>	353

OTHER BUSINESS:

	Time Estimate		Page
24.	15 minutes	<u>DEVELOPMENT FEE PAYMENT PROGRAM AND OTHER POSSIBLE PROGRAMS TO FACILITATE DEVELOPMENT ALONG THE MONTEREY CORRIDOR</u>	371
		<u>Recommended Action:</u>	
		1) <u>Approve</u> the Guidelines, City Council Resolution No. 5325 and Redevelopment Agency Resolution MHRA-208, and Program Documents for the Development Fee Payment Program (the "Program");	
		2) <u>Consider</u> the Request to Include in the Program the Property Located at the North-east Corner of Monterey Road and Tennant Avenue (Rite Aid);	
		3) <u>Approve</u> Transfer of \$200,000 from Account 317-86420-.002 and .004 to 317-86449-8413 for the Program; and	
		5) <u>Direct</u> the Executive Director to Explore and Return to the Agency Board with Ideas on Additional Programs to Stimulate Development Along the Monterey Corridor.	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT